



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



Gunstock Glen Water Company  
Attn: Maurice Paradise  
10 Paradise Drive  
Laconia, NH 03246

**ADMINISTRATIVE ORDER**  
**No. WD 03-026**

November 25, 2003

Re: Gunstock Glen Water Company  
Gilford, New Hampshire  
EPA #0882090

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Gunstock Glen Water Company pursuant to RSA 485:4 and RSA 485:58. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. Gunstock Glen Water Company is a New Hampshire business having a mailing address of 10 Paradise Drive, Laconia, NH 03246. Maurice Paradise is the designated representative of the Gunstock Glen Water Company for the purpose of water supply issues.

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485:3 authorizes DES to regulate public water supplies. RSA 332-E:3 authorizes DES to adopt drinking water rules which identify criteria and standards to ensure the proper certification of water system operators. Pursuant to this authority, DES has adopted NH Admin Rule Env-Ws 367.
2. The Gunstock Glen Water Company is the owner of a water system which serves approximately 138 persons in 55 single family units located in the community of Gilford, New Hampshire ("Water System"). The Water System is a community water system as defined in RSA 485:1-a, I and Env-Ws 302.02(i).
3. RSA 332-E and Env-Ws 367.02 require all community and non-transient, non-continuously operating water systems to retain the services of an operator who is certified by DES to perform all operating functions.

On May 26, 1999, both Maurice Paradise and his wife, Bernice Paradise, became certified water system operators and therefore the certified operators of the Water System.

5. Pursuant to RSA 332-E, water system operator certification must be renewed every two years on a calendar basis.
6. Pursuant to Env-Ws 367.07, Maurice Paradise's certification (Certificate # 1139) and Bernice Paradise's certification (Certificate # 1166) both expired on December 31, 2001, due to their failure to renew their certificates by submitting an application for renewal, providing proof of the completion of five hours of appropriate instruction, and paying the renewal fee.
7. On or about May 21, 2002, DES sent a letter to Maurice Paradise stating that DES records showed the Water System did not have a certified water system operator. The May 21, 2002, letter requested Mr. Paradise to respond to DES in writing by June 21, 2002, with the name of a certified operator who would be operating and maintaining the Water System.
8. DES has no record of the requested response to the May 21, 2002, letter.
9. On or about July 24, 2002, Letter of Deficiency #WSEB 02-73 ("LOD") was issued to the Water System. The LOD requested the Water System to obtain a certified operator to operate and maintain the water system and to notify DES in writing of the name and certificate number of the operator by August 23, 2002.
10. The LOD was received by the Water System as evidenced by the signed postal receipt.
11. On August 20, 2002, DES received a letter from Bernice Paradise in which she acknowledged that she and her husband had not renewed their water system operator licenses. Ms. Paradise "beg[ged] indulgence" on this matter noting that the Gunstock Glen Water Company had been negotiating to sell the Water System to Pennichuck East Utility ("PEU") and that all necessary paperwork had been submitted to the Public Utilities Commission and DES. Attached to the August 20, 2002, letter was a copy of the notarized Bill of Sale of the Water System to PEU.
12. On February 27, 2003, DES received another letter from Bernice Paradise. Ms. Paradise stated that the sale of the Water System, which had been scheduled to close on January 23, 2003, had not yet occurred and that it was uncertain if the sale would take place. Subsequent to the receipt of this letter, DES staff confirmed with PEU officials that they would not be purchasing the Water System.
13. On or about May 20, 2003, DES sent a Final Reminder to LOD# WSEB 02-73 ("Final Reminder") to the Water System. The Final Reminder noted that the sale of the Water System to PEU had been cancelled and that a certified operator was required to operate and maintain the Water System. The Final Reminder also noted that a certified operator exam was being offered at DES on July 20, 2003. The Final Reminder requested the Water System to provide to DES in writing the name and certificate number of the Water System's certified operator by August 1, 2003.

14. The Final Reminder was received by the Water System as evidenced by the signed postal receipt

15. To date, the Water System has failed to retain a certified operator to operate and maintain the Water System as requested by the Final Reminder.

#### **D. DETERMINATION OF VIOLATIONS**

1. The Water System has violated RSA 332-E and Env-Ws 367.02 by failing to retain a certified water system operator to operate and maintain the Water System.

#### **E. ORDER**

Based on the above findings, DES hereby orders Gunstock Glen Water Company as follows:

1. **Within 21 days of the date of this Order**, retain the services of a certified operator to operate and maintain the Water System, and verify in writing to DES the name and certificate number of the certified operator.
2. Send correspondence made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Alan Leach  
Department of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095  
Telephone: (603) 271-2854  
Fax: (603) 271-5171  
e-mail: [aleach@des.state.nh.us](mailto:aleach@des.state.nh.us)

#### **F. APPEAL**

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Gunstock Glen Water Company of the obligation to comply with the Order.

#### **G. OTHER PROVISIONS**

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Gunstock Glen Water Company remains obligated to comply with all applicable

drinking water statutes and rules. DES will continue to monitor Gunstock Glen Water Company's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Belknap County Registry of Deeds so as to run with the land.

**COPY**  
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Harry T. Stewart, P.E. Director  
Water Division

**COPY**  
\_\_\_\_\_  
Michael P. Nolin  
Commissioner

Certified Mail/RRR: #7000 0600 0023 9932 7235

Gretchen Rule, DES Legal Unit  
Public Information Officer, DES PIP Office  
Jennifer Patterson, Sr. Assistant Attorney General  
Douglas Brogan, NH Public Utilities Commission  
Belknap County Registry of Deeds  
Board of Selectmen, Town of Gilford  
Town of Gilford Health Officer  
US EPA, Region 1